

Our ref: KON-1859

Client's ref: P6459-001-0000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: H. YOSHIKAWA et al :

Appln. No. : 10/800,569 : Art Unit : 1756

Filed: March 15, 2004 : Examiner: Janis L. Dote

Title: IMAGE FORMING METHOD :
AND IMAGE FORMING
APPARATUS :

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1.131 DECLARATIONCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S i r:

We, the below named, hereby declare and state as follows:

1. We are the Inventors in this Application.
2. We reduced to practice the subject matter in this U.S. Application
at least as early as December 24, 2002.
3. This reduction to practice occurred in Japan.

4. We are aware of the fact that the U.S. Examiner in this Application has called for original documentation, such as, notebooks, test results, sketches and drawings or photocopies thereof or the absences must be satisfactorily explained. A diligent search has been made, however, original notebooks, test results, sketches and drawings are not currently available. It is our understanding that, because Japan bases priorities on a first-to-file basis and not a first-to-invent basis, the best evidence of a date of invention is the application as filed in the Japanese Patent Office.

5. To evidence the fact that we reduced to practice the subject matter in this Application at least as early as December 24, 2002, a copy of Japanese Patent Application No. 2002-371944 (published as JP 2004-205618) which was filed in the Japanese Patent Office on December 24, 2002 was submitted to the Examiner in the previous Declaration dated December 27, 2005. An English translation of JP '618 was also previously provided.

6. We have compared Japanese patent application number P2002-371944 to the published Japanese Application Publication Number P2004-205618A and confirm that they are identical in substance. The difference being the rearrangement of the application for purposes of publication by the Japanese Patent Office.

7. We are the Inventors of the subject matter recited in JP '618.

8. The disclosure in JP '618 is substantially the same as the disclosure of this U.S. Application.

9. The tests and examples reported in JP '618 were actually performed by us or under our direct supervision and control at least as early as December 24, 2002. The tests and examples reported in JP '618 were actual examples that were made under the same conditions as reported in JP '618 and the test results reported in JP '618 were actually obtained as reported in JP '618. This evidences the fact that we actually reduced to practice the subject matter of this U.S. Application at least as early as December 24, 2002.

10. JP '618 supports the claims as follows:

U.S. Claims

1, 13, 19

3

JP '618 ¶ No.

87, 89-90

Figs. 1 and 2 illustrate the machine used to evaluate the toners of Table 3.

87

<u>U.S. Claims</u>	<u>JP '618 ¶ No.</u>
5, 6	87 recites whether a blade or brush was used for cleaning
7, 8	Figure 2, 87
9	55
10	56
11	62
14	45
15	48
16, 17	52
18	23-26

11. As noted above, the machine shown in Figures 1 and 2 was used to perform the tests summarized in Table 3, ¶ 87 and the results obtained from the tests are reported in Table 4, ¶ 96. These tests illustrate the improved transfer ability and cleaning suitability and the improved resistance of the photoreceptor to wear.

12. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the

like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: This *12th* day of *March*, 2007.

Hideo Yoshizawa
Hideo YOSHIZAWA

Dated: This *12th* day of *March*, 2007.

Akihiko Itami
Akihiko ITAMI

DCL/mr